

Department of Community Planning and Economic Development

Rezoning

BZZ-6033

Date: May 20, 2013

Applicant: Peter Frenz, 1915 Fremont Avenue South, Minneapolis, MN 55403, (612)859-8293

Address of Property: 1915 Fremont Avenue South

Project Name: 1915 Fremont Avenue South

Contact Person and Phone: Peter Frenz, 1915 Fremont Avenue South, Minneapolis, MN 55403, (612)859-8293

CPED Staff and Phone: Becca Farrar, Senior City Planner, (612)673-3594

Date Application Deemed Complete: April 23, 2013

End of 60-Day Decision Period: June 22, 2013

End of 120-Day Decision Period: On May 9, 2013, Staff sent a letter to the applicant extending the decision period to no later than August 21, 2013.

Ward: 7

Neighborhood Organization: Lowry Hill Neighborhood

Existing Zoning: R2B (Two-family) District

Proposed Zoning: R3 (Multiple-family) District

Zoning Plate Number: 18

Lot area: 6,750 square feet or approximately .15

Legal Description: Commencing at the northwest corner of Lot 11, Block 52, thence west 135 feet thence south 50 feet thence east 135 feet thence north 50 feet to the beginning, Block 52, Groveland Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Convert an existing duplex into a triplex.

Concurrent Review:

- Peter Frenz has submitted a petition to rezone the property located at 1915 Fremont Avenue South from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex. Currently, there is an existing illegal dwelling unit that occupies the 3rd floor of the dwelling. With approval of the rezoning, the illegal dwelling unit could be converted to a legal dwelling unit with the appropriate building permits.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

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Background: The applicant proposes to rezone the property located at 1915 Fremont Avenue South from the R2B (Two-family) District to the R3 (Multiple-family) District. The subject property is approximately 6,750 square feet in size and the existing 2 ½ story building located on the property was originally constructed as a top-down duplex in 1907. The applicant purchased the property in February of 2013, with the knowledge that the third floor unit was an illegal unit. The applicant had hoped that he might be able to demonstrate that the property had grandfather rights to the third unit indicating that the unit had been continuously used as rental unit since the downzoning of the property from R4 to R2B in August of 1977. According to information obtained by the applicant, the property was illegally converted to a triplex around 1993 as a separate third floor dwelling unit was created. This work appears to have been completed by the previous owner of the property that in turn sold the property to the applicant.

Photos indicate that a portion of the third floor was finished as part of the original living space for the second floor. Presumably the remaining floor area that was illegally converted was used for storage. The applicant now proposes to rezone the property in order to convert the existing duplex into a legal triplex. With the proposed conversion of the building to a triplex, one additional parking space would need to be accommodated on the property. Currently, there is an existing detached two-stall garage located at the rear of the site that is accessed off of Fremont Avenue South. The applicant proposes to locate a surface parking pad adjacent to the garage that would accommodate one additional vehicle as required for the third dwelling unit.

Staff analyzed the adjacent properties also zoned R2B on the block in order to gain a better understanding of the surrounding context.

- The abutting property to the south, 1917 Fremont Avenue South is a legal duplex. The City previously cited the property for an illegal third unit; it was converted back to a legal duplex in 2011;
- The abutting property to the north, 1909 Fremont Avenue South is a three unit condominium. The third unit had not legally been established but property records indicated that the third unit had been occupied since 1950; therefore, grandfather rights applied to the site thus legalizing the third unit;
- 1907 & 1905 Fremont Avenue South are attached townhomes;
- 1900 Emerson Avenue South is a triplex;
- 1906 Emerson Avenue South is a single-family dwelling;
- 1912 Emerson Avenue South is a three-unit condominium;
- 1920 Emerson Avenue South (is split-zoned R2B and R4) and has six dwelling units.

In addition, Staff has contacted the Housing Inspector in the area in order to gain a better understanding of how widespread the illegal units are (as identified in the recent housing sweep) within the general vicinity. To date, Staff has not been able to connect with the inspector to attain this information, and thus the precedent setting approach that could result with the proposed rezoning request is unknown at this time.

Staff has not received official correspondence from the Lowry Hill neighborhood or any neighborhood letters or emails prior to the printing of this report. Any correspondence received after the printing of this report shall be forwarded on to the Planning Commission for consideration.

REZONING – to the R3 District

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located along Fremont Avenue South and is designated as urban neighborhood. The subject property is zoned R2B and is one parcel removed from the boundary of R4 zoning located on just over half of the remainder of the block to the south of the site. Hennepin Avenue, a designated Commercial Corridor, is located approximately 3 ½ blocks east of the site. Franklin Avenue is approximately a half block south of the subject property but is not a designated land use feature in this location as the Community Corridor designation terminates where Franklin Avenue intersects with Hennepin Avenue. Urban neighborhoods are a “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. May include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers.” Areas designated as urban neighborhoods are not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

Despite the diversity of the density of surrounding residential uses, proximity of the site to R4 zoning and the ability of the site to accommodate the one additional off-street parking space required for a third dwelling, the appropriateness of the proposed R3 zoning classification is difficult to justify based on a strict interpretation of the City’s adopted policies. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.5.1) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.8 states: “Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.” This policy includes the following applicable implementation step (1.8.1) “Promote a range of housing types and residential densities, with highest density development concentrated in and along appropriate land use features.”

It is Staff’s position that the proposal to rezone the subject property from the R2B District to the R3 District is not supported by the above listed policies and implementation steps.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to the R3 District would be in the interest of the property owner as it would allow the existing building on the site to be converted from an existing duplex into a triplex.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

Despite the context, including the diverse density of surrounding uses and the zoning classifications in the area, adopted City policy does not support the proposed R3 zoning district in this location. The properties that surround the subject site are zoned R2B; however, there are R4 zoned properties located to the east across Emerson Avenue South and to the south of the subject site closer to both Hennepin Avenue and Franklin Avenue.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses allowed under the existing R2B zoning classification, including the existing legal use of the structure as a duplex. Staff has included an attachment to the staff report which further details regarding the differences between the existing and proposed zoning classifications for the property.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject property was zoned R4 (Multiple-family) District. In 1977 the property was down-zoned to the R2B (Two-family) District. The properties surrounding the site were zoned somewhat similarly as the majority of the properties to the north were zoned R2B, the properties to the west were zoned R2 and the properties to the south and east were zoned R4. There haven't been significant changes relative to the character and trend of the development in this specific area.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition to change the zoning classification of the property located at 1915 Fremont Avenue South from the R2B (Two-family) District to the R3 (Multiple-family) District in order to allow for the conversion of an existing duplex into a triplex.

Attachments:

1. Rezoning Matrix – R2B vs. R3
2. Statement of use / description of the project
3. Correspondence
4. Zoning map
5. Site plan and floor plans
6. Photos